



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

October 28, 2021

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RE: Letter of Response for Grievance #3999 filed on September 24, 2021

Dear [REDACTED],

In accordance with Chapter 24 Subtitle 5-B, Section 2405 of the District of Columbia Municipal Regulations, DC Public Schools (DCPS) Comprehensive Alternative Resolution and Equity (CARE) team has completed its investigation of the above referenced grievance.

Grievance Issues

Based on a review of the information provided, the written grievance raised the following issues under the jurisdiction of this office:

1. **5-B DCMR 2405.2(e)** Where a student is a victim of bullying or harassment, including sexual harassment.
 - a. It was alleged that on September 22, 2021, while at a school-sponsored track meet, Student B kissed Student Student [REDACTED] and touched their buttocks.
 - b. It was alleged that on September 23, 2021, Student B crawled under the lunch table and inappropriately touched Student [REDACTED]'s leg and attempted to pull down their shorts while at [REDACTED].

Investigative Procedure

The investigation included interviews with the following individuals:

1. Parent, [REDACTED]
2. Parent of Student B
3. Student B
4. Principal [REDACTED]

5. Social Worker [REDACTED]

DCPS CARE was unable to interview Student [REDACTED] about the allegations raised in this grievance.

The investigation also included review of the following documents which were either submitted by the complainant, submitted by the school, or accessible via DCPS data systems:

1. Incident Reporting Tool Form

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to a student being denied the ability to participate in an assignment by another student because of their race.

1. According to The District of Columbia Human Rights Law of 1977, Title 2, Chapter 14 of the D.C. Official Code (DC Human Rights Act), § 2-1402.41. It is an unlawful discriminatory practice... for an educational institution...to deny, restrict, or to abridge or condition the use of, or access to, any of its facilities, services, programs, or benefits of any program or activity to any person otherwise qualified, wholly or partially, for a discriminatory reason, based upon...sex.”
2. According to the DCPS Notice of Non-Discrimination, DCPS does not discriminate or tolerate discrimination against...students on the basis of...sex.

General Findings of Fact

The following findings of fact resulted from the investigation:

1. During an interview with DCPS CARE, Student B denied inappropriately touching Student [REDACTED] during lunch. Student B admitted to going under a table but stated that Student [REDACTED] was not at the table.
2. Social Worker [REDACTED] reported that while on lunch duty, they observed Student B go under the table near Student [REDACTED]
3. Student [REDACTED] reported to Social Worker [REDACTED] and Principal [REDACTED] that Student B touched their leg and attempted to pull down their shorts.
4. Student B denied kissing Student [REDACTED] or inappropriately touching Student [REDACTED] during a school-sponsored track event on September 22, 2021. There were no staff members that reportedly observed this alleged behavior.
5. During a conversation with you on October 6, 2021, you declined to allow for Student [REDACTED] to participate in an interview with DCPS CARE.

Discussion/Conclusion

5-B DCMR 2405.2(e) is substantiated. In regard to the allegation that Student B touched Student [REDACTED]'s buttocks and kissed them without consent during a track meet on September 22, 2021, DCPS CARE was unable to find information to corroborate the allegation. However, during the investigation, Student B admitted to crawling under a lunch table but denied coming in contact with Student [REDACTED]. This account was contradicted by the school social worker who states that they observed Student B crawl under a table and approach Student [REDACTED]. This behavior caused Student [REDACTED] to feel uncomfortable and impacted the students' ability to learn in their educational environment and therefore, DCPS CARE finds that 5-B DCMR 2405.2(e) is substantiated.

DCPS has taken the following actions below to address this incident:

1. On September 29, 2021, a separation plan has been implemented to ensure that Student B has no contact with Student [REDACTED] during recess and lunch.
2. On September 25, 2021, Student [REDACTED] met with Social Worker, [REDACTED]

As the complainant, if you are not satisfied with the outcome, you have the right to file an appeal. Appeals must be submitted in writing and received within 10 calendar days of receipt of this notice. Please submit appeal requests to the Chief Integrity Officer (CIO) via U.S. Postal Mail to 1200 First St., NE, 10th Floor; Attn: CIO or via email at dcps.cio@k12.dc.gov. You may also contact the U.S. Department of Education, Office for Civil Rights (1-800-421-3481) to report any educational discrimination.

If you have further questions, please do not hesitate to contact us at dcps.care@k12.dc.gov or 202.442.5405.

Sincerely,



Anitra Allen, Director CARE

Cc: Principal
Instructional Superintendent